

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>IN RE: NATIONAL PRESCRIPTION</b>	)	<b>CASE NO. 1:17-MD-2804</b>
<b>OPIATE LITIGATION</b>	)	
	)	<b>JUDGE POLSTER</b>
<b>THIS DOCUMENT RELATES TO:</b>	)	
	)	
<i>PBM Cases</i>	)	
	)	<b>ORDER CONFIRMING THE</b>
	)	<b>PBM BELLWETHER PROCESS</b>

The Court earlier set into place a process for the parties to pick four bellwether cases filed against Pharmacy Benefit Manager (“PBM”) defendants. The process required plaintiffs and PBM defendants to: (1) each propose four PBM cases, and then (2) strike two of the other side’s cases, thereby leaving four cases – two plaintiff picks and two defendant picks. The Court also required the process to yield cases from at least three different Circuits.<sup>1</sup> The parties have completed this process, and the Court now confirms that the following four cases will go forward as PBM bellwethers:

- *City of Independence, Missouri v. Williams*, No. 19-op-45371 (8<sup>th</sup> Circuit)<sup>2</sup>
- *City of Rochester v. Purdue Pharma, L.P.*, No. 19-op-45853 (2<sup>nd</sup> Circuit)
- *County of Webb, Texas v. Purdue Pharma, L.P.*, No. 18-op-45175 (5<sup>th</sup> Circuit)
- *Lincoln County v. Richard S. Sackler, M.D.*, No. 20-op-45069 (8<sup>th</sup> Circuit)

Discovery and motion practice in these cases will proceed involving only the Optum and Express

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<sup>1</sup> See Tr. at 29, 37 (docket no. 5168).

<sup>2</sup> This is a multi-plaintiff case. The parties agree the claims of other plaintiffs will be severed, so that the bellwether consists solely of the claims asserted by City of Independence.

Scripts Defendant Families.<sup>3</sup>

The Court directs the parties to meet and confer and, on or before November 15, 2023, submit proposed Case Management Orders (“CMOs”) for these four cases. The CMOs may include deadlines for amendment of complaints. *See In re: Nat’l Prescription Opiate Litig.*, 2022 WL 20701236, at \*2 (6th Cir. Nov. 10, 2022) (MDL docket no. 4747) (confirming that, because “[this MDL Court’s] original scheduling order allowed plaintiffs to amend whenever their case was selected as a bellwether,” amendment was allowed).

The parties shall agree on as much as possible on the proposed CMOs and should work with Special Master Cohen to address any disagreements. If disagreements remain, the parties will submit competing CMOs, highlighting the areas of disagreement, and the Court will resolve them.

**IT IS SO ORDERED.**

/s/ *Dan Aaron Polster*

**DAN AARON POLSTER**

**UNITED STATES DISTRICT JUDGE**

**Dated:** October 27, 2023

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<sup>3</sup> By “Defendant Families,” the Court means all entities that are related. For example, the “Optum” defendant family includes Optum, Inc. and OptumRx, Inc.